IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 12TH APRIL 2007 / 22ND CHAITHRA 1929

WP(C).No. 33930 of 2006(L)

PETITIONER:
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1. SHIBU.C.V., AGED 26 YEARS,
S/O.S.CHANDRAN CHETTIYAR, C.V.S.NILAYAM,
NAGARI HILLS, PAZHAKUTTY P.O.,
NEDUMANGAD, THIRUVANANTHAPURAM.

2. K.K.GOPI, AGED 35 YEARS,
S/O.K.K.KRISHNAN, KAIPULLI HOUSE,
VELLANIKKARA P.O., CHIRAKKODE, THRISSUR DISTRICT.

3. SUNIL KUMAR.N.R.,
AGED 32 YEARS, S/O.N.P.RAGHUVARAN,
SAYANTHANAM, NOCHIMA, NAD P.O., ALUVA.

BY ADV. SRI.ESM.KABEER

RESPONDENTS:
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1. THE CHAIRMAN, CO-OPERATIVE ACADEMY
OF PROFESSIONAL EDUCATION, CO-OPERATIVE
MEDICAL COLLEGE, KOCHI, (THE HON'BLE MINISTER
FOR CORPORATION, THIRUVANANTHAPURAM).

2. THE DIRECTOR, CO-OPERATIVE ACADEMY
OF PROFESSIONAL EDUCATION, (CAPE),
CO-OPERATIVE BANK TOWERS, VIKAS BHAVAN P.O.,
THIRUVANANTHAPURAM-33.

3. THE REGISTRAR OF CO-OPERATIVE
SOCIETIES, THIRUVANANTHAPURAM.

R2 BY ADV. SRI.K.P.DANDAPANI
SRI.MILLU DANDAPANI SC FOR CAPE
R3 BY G.P. SRI.P.K.RAVIKRISHNAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 12/04/2007, THE COURT ON 12/04/2007 DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

P1: TRUE COPY OF NOTIFICATION PUBLISHED IN MATHRUBHUMI DAILY DT.23.11.2005.

P2: TRUE COPY OF MEMO ISSUED BY R2 DT.14.7.2006.

P3: .DO. .DO.

P4: .DO. .DO.

P5: TRUE COPY OF REPRESENTATION SUBMITTED BEFORE R1 DT.3.10.2006.

P6: .DO. DT.26.11.2006.

P7: TRUE COPY OF COMMUNICATION ISSUED BY R1 TO 1ST PETITIONER.

P8: .DO. .DO.

P9: TRUE COPY OF REPRESENTATION SUBMITTED BEFORE R3 DT.11.10.2006.

P10: TRUE COPY OF THE PROCEEDINGS OF R2 DT.6.2.2007.

P11: .DO. R2 DT.28.2.2006.

P12: .DO. R2 DT.21.3.2006.

RESPONDENT'S EXHIBITS:

ANNEXURE R2(a): TRUE COPY OF THE APPOINTMENT ORDER DT.9.3.2006 ISSUED TO 1ST PETITIONER BY R2.

TRUE COPY

P.A. TO JUDGE

C.N.RAMACHANDRAN NAIR, J.

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W.P.(C) No.33930 of 2006

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Dated this the 12th day of April, 2007.

JUDGMENT

Heard counsel for the petitioners and Standing Counsel for second respondent. The petitioners who have been selected for appointment to the post of AC Mechanic have not been appointed by respondents and therefore, this W.P. is filed seeking direction for appointment. It is reported that first petitioner is appointed on contract basis by respondents 1 and 2 and is continuing as such. However, petitioners 2 and 3 are not appointed as according respondents 1 and 2, management has financial difficulty. The petitioners cannot have any grievance as of now because after their recruitment no one is appointed by respondents 1 and 2 overlooking their claim. As and when regular appointments are made, petitioners will have to be necessarily appointed as they have come out successfully in the selection process. Even if people are appointed on contract basis, petitioners 2 and 3 have priority because they are found eligible for appointment on regular basis. The W.P. is accordingly disposed of directing respondents 1 and 2 to appoint petitioners 1 and 2 as and when regular or contract appointments are made to the post for which they are selected.

C.N.RAMACHANDRAN NAIR
Judge

pms